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January 26, 2011

President Barack Obama
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear Mr. President,

I listened intently last night as you delivered your third State of the Union address. While there were many topics included that hold a deep personal interest for me, I write to you today regarding the commitment you made to work with Republicans on tackling, "medical malpractice reform to rein in frivolous lawsuits" which are causing seasoned medical professional to leave their practice. I know this is an issue you have broached before, and I once again ask to join you in efforts to actively produce results that will have an impact.

As a physician, I am painfully aware that many doctors are forced to practice defensive medicine and face the constant threat of non meritorious lawsuits and unsustainable medical liability insurance rates. This results in unnecessary tests and procedures, and is a growing crisis which is pushing affordable health care but more importantly, access to physicians, beyond the grasp of many Americans. Also, rising insurance costs force doctors to make difficult decisions. Many doctors are also small business owners who are forced to trim their budget just to cover their insurance costs. In many cases this results in laying off staff, limiting access to certain aspects of their practice or closing their practice all together.

The States rightfully have, are, and will continue to be our laboratories of success. Let me be clear: I do not believe we need to study what *may* work; the states have done that work for us. However, in our pursuit of national medical malpractice reforms, it is vital we look to the states for proven methods and results.

As we make such an examination it is essential we look to those states that have recently enacted reform and produced just such results. Just as doctors, first we must do no harm. We do not want to interfere with progress made. However, as we look for commonsense policies that could be applied nationally or throughout the federal government, those successes which have been adopted in recent years and yielded proven success seem to not only be the logical, but the necessary places to explore.

In my home state of Texas, the 2003 liability reforms we adopted have served as a catalyst to bring doctors to underserved regions including those that did not have access to any physicians. Texas is one of the largest states in our Union, has a diverse population & economy and geography stretching from rural to urban. Yet, our reforms have proven successfully tailored to adapt and produce across the board results. For example, 82 Texas counties have seen a net gain in emergency room doctors including 26 counties which previously had none. After years in decline, the ranks of medical specialties, as well as primary care, are growing and charity care rendered by Texas hospitals has increased by 24 percent. The Texas State Medical Board in 2001 licensed only 2,088 new doctors the fewest in a decade. Today they are challenged to keep up with the physicians that now want to practice in our state. In 2008 Texas licensed 3,621 new doctors, the highest number ever recorded. Overall, Texas has enjoyed a 62% greater growth rate in newly licensed physicians in the past three years compared to three years preceding reform. While I am thrilled that Texas has so benefited, I am also happy to share the success we are experiencing to all states so that they too can reap the benefit of adopting such reforms.

But our conversation should not end there and states should be permitted to continue to act as laboratories in exploring and implementing new policies for pursuing medical liability reform. We can always do better and we are an ever changing nation. What we know we can do today, should not be the limit of our imagination of what we may be able to deliver tomorrow to ensure access to needed healthcare providers to our citizens; just as what may have worked decades ago, may not be a panacea for today's challenges. I am committed to finding areas of collaboration between the political parties to enact meaning reform which is beneficial to all Americans.

I agree that the urgency of this issue is one that cannot wait any longer for us to fully partner with our states to aid patients. I would greatly appreciate opportunity to review this issue and work together to achieve this goal that we both share. I would be honored if your staff would contact my Washington, D.C. office at 202-225-7772 to schedule a meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael C. Burgess", with a long horizontal flourish extending to the right.

Michael C. Burgess, M.D.
Member of Congress